

PTQ6041

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RELEASE IN FULL

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ACTION INL-01

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EB-00 EUR-01 OIGO-01 H-01 TEDE-00 INR-00 IO-00
LAB-01 L-01 ADS-00 M-00 OCS-03 OIC-02 OMB-01
OPIC-01 PA-00 PM-00 PRS-00 P-00 CIO-00 SP-00
STR-00 T-00 DTC-01 PMB-00 DSCC-00 PRM-10 PRME-01
DRL-09 G-00 /049W

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O 162213Z DEC 96 ZDK
FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC IMMEDIATE 3509
DEPT OF JUSTICE WASHDC
INFO DIRNSA FT GEORGE G MEADE MD
FBI WASHDC
DIA WASHDC
CIA WASHDC
DIRONDCP WASHDC
USCINCSO QUARRY HEIGHTS PM
DEA WASHDC
NSC WASHDC
USIA WASHDC 0985
DEPT OF TREASURY WASHDC
AMEMBASSY PARIS
SECDEF WASHDC
SECDEF WASHDC//OCDEPS//
NDIC JOHNSTOWN PA

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C O N F I D E N T I A L SECTION 01 OF 08 BOGOTA 012335

STATE FOR INL, ARA/AND, L/LEI
NSC FOR JAMES DOBBINS
ONDCP FOR BILL BOZIN
SOUTHCOM ALSO FOR POLAD
DEA FOR OF, OFL, OC, AX

REVIEW AUTHORITY: Donna M. DiPaolo, Senior Reviewer

JUSTICE FOR CRIM. WARREN, RICHARD AND NDDS/VAN VLIET
FBI FOR CID/IRS/IRU2
USIA FOR AR, I/GAR
TREASURY FOR FINCEN

E.O. 12958: DECL: 12/16/01
TAGS: PREL, PGOV, SNAR, PINR, KJUS, KCRM, CASC, PHUM, MASS, CJAN,
PHSA, PTERR, CO
SUBJECT: SIXTH COORDINATION MEETING ON CERTIFICATION ISSUES

REF: A) BOGOTA 12185 (NOTAL) B) BOGOTA 11717 (NOTAL) C) STATE
255495 (NOTAL) D) BOGOTA 12170 (NOTAL)

1. (U) CLASSIFIED BY POLOFFS JULIANNE CHESKY AND PEG
WILLINGHAM. REASON 1.5(D).

2. (C) SUMMARY: AMBASSADOR MET DECEMBER 16 WITH MINISTER OF
DEFENSE, REPRESENTATIVES OF THE MINISTRIES OF FOREIGN AFFAIRS AND
JUSTICE, AND THE DIRECTOR OF THE ANTI-NARCOTICS DIRECTORATE TO
DISCUSS SENTENCE LENGTHENING, VERIFICATION PROTOCOL, GRANULAR
HERBICIDES, 506 DRAWDOWN, END-USE MONITORING, SHIPBOARDING
AGREEMENT, RENEWED AERIAL ERADICATION, FRENCH ASSISTANCE TO THE
GOC, CONTINUED KINGPIN OPERATIONS FROM PRISON, CIVIL AVIATION
CONTROLS, CORRUPTION, EXTRADITION, THE KIDNAPPING OF AMCIT FRANK
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PESCATORE, THE SDNT LIST, THE FISCALIA'S HUMAN RIGHTS UNIT,
KINGPIN SENTENCES, AND THE GOC'S PLANS TO HOST A PLANNING MEETING
FOR THE 1998 UNGA SPECIAL SESSION ON NARCOTICS. END SUMMARY.

3. (C) AMBASSADOR MET DECEMBER 16 AT THE DEFENSE MINISTRY WITH
MINISTER OF DEFENSE ESGUERRA, VICE FOREIGN MINISTER CLEMENCIA
FORERO, REPRESENTATIVES OF THE JUSTICE AND FOREIGN MINISTRIES AND
DR. JOAQUIN POLO, CHIEF OF THE DIRECCION NACIONAL DE
ESTUPEFACIENTES (DNE -- ANTI-NARCOTICS DIRECTORATE) TO DISCUSS
PENDING ITEMS ON THE BILATERAL CERTIFICATION AGENDA. FOREIGN
MINISTER MEJIA AND JUSTICE MINISTER MEDELLIN COULD NOT ATTEND DUE
TO TRAVEL TO FRANCE AND A CONFLICTING MEETING TO RECEIVE PRISON
EQUIPMENT RESPECTIVELY.

SENTENCE LENGTHENING

4. (C) ESGUERRA OPENED BY ASKING THE JUSTICE MINISTRY
REPRESENTATIVE TO DESCRIBE THE STATE OF PLAY ON PENDING
LEGISLATION TO LENGTHEN PRISON SENTENCES FOR NARCOTRAFFICKERS.
THE JUSTICE OFFICIAL REPLIED THAT PRESIDENT SAMPER HAD ASKED THE
CONGRESS TO CONVENE IN AN EXTRAORDINARY SESSION DECEMBER 17-19.

THE JOINT FIRST COMMISSION OF THE SENATE AND CHAMBER OF REPRESENTATIVES WOULD CONSIDER THE SENTENCE LENGTHENING AND MONEY LAUNDERING MEASURES DURING THIS SPECIAL SESSION AND THE PLENARIES OF BOTH HOUSES WOULD TAKE UP THE PROPOSAL IN 1997. HE NOTED THAT BILLS TO IMPROVE THE PRISON SYSTEM AND TO ENHANCE JUDICIAL COOPERATION ON ASSET FORFEITURE WERE INTRODUCED DURING THE WEEK OF DECEMBER 9 AND WOULD ALSO BE CONSIDERED IN 1997. THE AMBASSADOR ASKED IF, AS FOREIGN MINISTER MEJIA AND JUSTICE MINISTER MEJIA HAD TOLD HIM THE WEEK OF DECEMBER 9, ANOTHER

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EXTRAORDINARY SESSION WOULD TAKE PLACE IN JANUARY OR FEBRUARY TO GIVE FULL APPROVAL TO THIS LEGISLATION SO PRESIDENT SAMPER COULD SIGN IT INTO LAW BEFORE MARCH 1, 1997. THE JUSTICE MINISTRY REPRESENTATIVE SAID HE WAS NOT SURE, ALTHOUGH THE IDEA WAS UNDER CONSIDERATION. ESGUERRA NOTED THAT THE GOC WANTS TO SEE THE SENTENCE ENHANCEMENT AND MONEY LAUNDERING BILLS PASSED IN JANUARY OR FEBRUARY AND DOES NOT ANTICIPATE ANY PROBLEMS SINCE THE BILL HAS ALREADY BEEN REVIEWED IN CONGRESS, WITH THE EXCEPTION OF A FEW ARTICLES. THE JUSTICE REPRESENTATIVE SAID THAT THE ARTICLES ON THE CREATION OF A COLOMBIAN "FINCEN" (FYI: INCLUDED IN THE MONEY LAUNDERING PROPOSAL. END FYI.) AND IMPOSITION OF FINES FOR BANKING IRREGULARITIES HAD NOT YET BEEN DISCUSSED IN CONGRESS, BUT HE PREDICTED THEY WOULD NOT BE CONTROVERSIAL.

5. (C) THE AMBASSADOR ASKED IF IT WAS TRUE, AS RUMORED, THAT MEMBERS OF CONGRESS WERE LESS DETERMINED TO ALTER THE BILL ON SENTENCE ENHANCEMENT TO ALLOW JAILED CONGRESSIONAL COLLEAGUES TO AVOID JAIL TIME. THE JUSTICE OFFICIAL AND MOD ESGUERRA AGREED THAT THE LEGISLATORS APPEAR TO BE LESS "AUDACIOUS" IN THE WAKE OF NATIONAL REPUGNANCE FOR THEIR ATTEMPT TO SINK RETROACTIVITY FOR ASSET FORFEITURE THE WEEK OF DECEMBER 10.

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LAB-01 L-01 ADS-00 M-00 OCS-03 OIC-02 OMB-01
OPIC-01 PA-00 PM-00 PRS-00 P-00 CIO-00 SP-00
STR-00 T-00 DTC-01 PMB-00 DSCC-00 PRM-10 PRME-01
DRL-09 G-00 /049W

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O 162213Z DEC 96 ZDK
FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC IMMEDIATE 3510
DEPT OF JUSTICE WASHDC
INFO DIRNSA FT GEORGE G MEADE MD
FBI WASHDC
DIA WASHDC
CIA WASHDC
DIRONDCP WASHDC
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DEA WASHDC
NSC WASHDC
USIA WASHDC 0986
DEPT OF TREASURY WASHDC
AMEMBASSY PARIS
SECDEF WASHDC
SECDEF WASHDC//OCDEPS//
NDIC JOHNSTOWN PA

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STATE FOR INL, ARA/AND, L/LEI
NSC FOR JAMES DOBBINS

ONDCP FOR BILL BOZIN
SOUTHCOM ALSO FOR POLAD
DEA FOR OF, OFL, OC, AX
JUSTICE FOR CRIM. WARREN, RICHARD AND NDDS/VAN VLIET
FBI FOR CID/IRS/IRU2
USIA FOR AR, I/GAR
TREASURY FOR FINCEN

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VERIFICATION PROTOCOL

6. (C) DR. JOAQUIN POLO, DIRECTOR OF DNE, NOTED THAT HE HAD MET WITH NAS DIRECTOR TO DISCUSS THE PROPOSED VERIFICATION PROTOCOL AND, WITH TWO MINOR EXCEPTIONS, WAS PREPARED TO SIGN IT. THE AMBASSADOR REPLIED THAT POLO'S OBSERVATIONS HAD SEEMED REASONABLE AND THAT, AFTER RECEIVING GUIDANCE FROM WASHINGTON, THE USG WOULD PROBABLY BE READY TO SIGN BY DECEMBER 19. POLO EXPRESSED SATISFACTION, NOTING THAT THE PROTOCOL REPRESENTED AN IMPORTANT ADVANCE IN BILATERAL RELATIONS. VICE FOREIGN MINISTER FORERO VOICED A CONCERN THAT EMBASSY OFFICERS HAD NOT BEEN PRESENT AT SOME ERADICATION VERIFICATION SESSIONS DURING 1996; SHE SAID THE GOC WANTS TO AVOID THE KIND OF PROBLEMATIC DISCREPANCY IN
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ERADICATION STATISTICS THAT TOOK PLACE IN 1995. THE AMBASSADOR ASSURED HER THAT, WHILE THE USG VALUES SERVING AS A WITNESS TO ERADICATION VERIFICATION, THE TWO GOVERNMENTS HAVE WORKED CLOSELY DURING 1996 AND WILL LIKELY BE IN CLOSE AGREEMENT ON FUMIGATION STATISTICS, UNLIKE LAST YEAR. HE NOTED THAT ADDITIONAL TECHNOLOGY, INCLUDING SATELLITE IMAGERY AND AERIAL PHOTOGRAPHY, HAVE IMPROVED VERIFICATION THIS YEAR AND WILL PRODUCE RESULTS THAT WILL BE OBVIOUS AND WOULD BE ACCEPTABLE TO BOTH GOVERNMENTS. FORERO SAID SHE WELCOMED THIS NEWS, SINCE USG RECOGNITION OF THEIR ACHIEVEMENTS WAS IMPORTANT TO THE GOC.

GRANULAR HERBICIDES

7. (C) DNE DIRECTOR POLO LAUNCHED INTO A LENGTHY, REPETITIVE AND IMPASSIONED EXPOSITION ON WHY THE DNE HAD CHOSEN IMAZAPYR AND WOULD NOT BE ABLE TO APPROVE THE USE OF HEXAZINONE WITHOUT ADDITIONAL INFORMATION FROM THE USG REGARDING CANCER RISKS. HE

NOTED THAT HE MET AT LENGTH "IN STOCKHOLM" WITH INL PDAS JANE BECKER TO DISCUSS THIS MATTER, EXPLAINING THAT THE MINISTRY OF HEALTH WAS NOT SATISFIED WITH THE INFORMATION ALREADY PROVIDED BY THE EPA. THE AMBASSADOR REPLIED THAT HE HAD NOT YET BEEN ABLE TO SPEAK WITH AMBASSADOR BECKER ABOUT POLO'S CONVERSATION WITH AMBASSADOR BECKER, BUT WOULD DO SO AS SOON AS POSSIBLE. POLO EMPHASIZED THAT THE DNE'S SEPTEMBER 10 DECISION TO TEST IMAZAPYR WAS BASED ON A CAREFUL EXAMINATION OF THE ENTIRE LIST OF PROPOSED HERBICIDES -- A LIST, HE NOTED POINTEDLY, THAT HAD NOT BEEN PREPARED BY THE DNE, BUT HAD BEEN GIVEN TO DNE BY THE COLOMBIAN POLICE, BASED ON A USG LIST. THE DNE MADE THE BEST DECISION IT COULD, IN GOOD FAITH, BASED ON HEALTH CONCERNS AND THE EXISTENCE

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OF COMMERCIAL LICENSES TO IMPORT PARTICULAR HERBICIDES INTO COLOMBIA. AT THE TIME, HE SAID, NO ONE HAD REALIZED HOW EXPENSIVE IMAZAPYR WOULD BE. HE LAMENTED THE LOSS OF TIME SINCE IMAZAPYR WAS APPROVED AND EXPRESSED CONCERN THAT COLOMBIA'S CERTIFICATION STATUS WOULD BE AFFECTED ADVERSELY DUE TO NO FAULT OF ITS OWN. POLO SAID THAT BY CHOOSING ANY GRANULAR HERBICIDE IN THE FIRST PLACE, THE DNE HAD OPENED A "POLITICAL SPACE" THAT HAD NOT PREVIOUSLY EXISTED. FORTUNATELY, HE SAID, THE DECISION TO USE A GRANULAR HERBICIDE DID NOT TURN OUT TO BE AS CONTROVERSIAL AS FEARED. HOWEVER, HE PREDICTED THAT A DECISION TO APPROVE HEXAZINONE WOULD BE SUBJECT TO INTENSE MEDIA SCRUTINY AND MUST BE SUPPORTED BY AMPLE TECHNICAL INFORMATION ABOUT ITS POSSIBLE SIDE EFFECTS. THE GOC'S DOUBTS WERE "SERIOUS AND REASONABLE" AND DID NOT STEM FROM "EVASIVENESS," POLO INSISTED. HE NOTED THAT SOME OF THE DNE DOCUMENTS ON IMAZAPYR HAD BEEN PRINTED IN BOGOTA DAILY "EL TIEMPO." (COMMENT: THIS WAS A VEILED THREAT TO LEAK INFORMATION ON IMAZAPYR IF THE USG PUSHES TOO HARD. END COMMENT.)

8. (C) THE AMBASSADOR REPLIED THAT, AS HE HAD MENTIONED AT THE DECEMBER 9 MINISTERIAL MEETING, A TEAM FROM USDA AND EPA WOULD VISIT COLOMBIA JANUARY 26 TO DISCUSS GRANULAR HERBICIDES. HE REITERATED THE USG POSITION (REF C) THAT WE WILL NOT PAY FOR

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OPIC-01 PA-00 PM-00 PRS-00 P-00 CIO-00 SP-00
STR-00 T-00 DTC-01 PMB-00 DSCC-00 PRM-10 PRME-01
DRL-09 G-00 /049W

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O 162213Z DEC 96
FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC IMMEDIATE 3511
DEPT OF JUSTICE WASHDC
INFO DIRNSA FT GEORGE G MEADE MD
FBI WASHDC
DIA WASHDC
CIA WASHDC
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DEA WASHDC
NSC WASHDC
USIA WASHDC 0987
DEPT OF TREASURY WASHDC
AMEMBASSY PARIS
SECDEF WASHDC
SECDEF WASHDC//OCDEPS//
NDIC JOHNSTOWN PA

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C O N F I D E N T I A L SECTION 03 OF 08 BOGOTA 012335

STATE FOR INL, ARA/AND, L/LEI
NSC FOR JAMES DOBBINS
ONDCP FOR BILL BOZIN
SOUTHCOM ALSO FOR POLAD
DEA FOR OF, OFL, OC, AX
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IMPAZAPYR TESTING WITHOUT SIMULTANEOUS TESTING OF HEXAZINONE.
THE AMBASSADOR AGREED WITH POLO THAT IT WAS REGRETTABLE THAT TIME
HAD BEEN LOST, ADDING THAT THE USG'S GOAL IS TO WORK TOGETHER
WITH THE GOC TO ADVANCE THE ERADICATION OF ILLICIT CROPS. POLO
ASKED IF THE VISITORS FROM USDA AND EPA WOULD WANT A HIGH-LEVEL
MEETING WITH THE DNE. THE MINISTER OF DEFENSE SAID IT WOULD BE
IMPORTANT FOR THE TEAM TO MEET WITH AS MANY MEMBERS OF THE
NATIONAL ANTI-NARCOTICS COUNCIL AS POSSIBLE. THE AMBASSADOR
AGREED, SAYING IT WAS IMPORTANT FOR THE EPA OFFICIALS TO EXPLAIN
SCIENTIFICALLY WHY THEY APPROVED THE USE OF HEXAZINONE. EPA IS A
RESPONSIBLE ORGANIZATION THAT WOULD NOT RPT NOT CASUALLY HAVE
REAPPROVED HEXAZINONE FOR USE IN THE U.S. THE GOC MUST TAKE THE
EPA APPROVAL INTO CONSIDERATION.

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9. (C) POLO ASKED IF ADDITIONAL INFORMATION PERTAINING TO
HEXAZINONE'S COST AND TOXICITY COULD BE SENT TO THE GOC BEFORE
THE JANUARY 26 VISIT. HE ALSO ASKED IF HEXAZINONE WAS
COMMERCIALY AVAILABLE IN THE DOSAGE NECESSARY FOR COCA
ERADICATION. THE AMBASSADOR REPLIED THAT HE HAD ALREADY PROVIDED
THE DNE WITH INFORMATION ABOUT HEXAZINONE. AFTER EXPLAINING THAT
THE USG HAD NOT REALIZED HOW EXPENSIVE AND DIFFICULT IT WOULD BE
TO MANUFACTURE IMPAZAPYR IN THE PROPER CONCENTRATION, THE
AMBASSADOR SAID THAT THE USG'S CONCERNS ABOUT TESTING BOTH
HERBICIDES ARE NOT ONLY REASONABLE, BUT WILL SAVE TIME IN THE
LONG RUN. WHY SHOULD THE USG SPEND MONEY ON PREPARING AND
TESTING IMAZAPYR, ONLY TO ARRIVE AT THE CONCLUSION WE ANTICIPATE
-- THAT IT WILL NOT BE AS EFFICACIOUS AS HEXAZINONE? THE
AMBASSADOR SAID IT WOULD BE BETTER TO PROCEED WITH TESTING BOTH
PRODUCTS. MOD ESGUERRA SAID THE TWO GOVERNMENTS SHARE A COMMON
GOAL: ERADICATION. HE REVIEWED PAST DIFFICULTIES GETTING

APPROVAL FOR GLYPHOSATE, AND SAID THAT IMAZAPYR WAS APPROVED AS THE LESSER OF SEVERAL EVILS RATHER THAN AS A POSITIVE CHOICE PER SE. HE URGED THE VISITING EPA AND USDA TEAM TO FOCUS ON ALLAYING THE CONCERNS OF THE MINISTRY OF HEALTH REGARDING HEXAZINONE'S EFFECTS ON HUMAN HEALTH AND THE ENVIRONMENT, SINCE THE DNE WOULD NOT RPT NOT APPROVE HEXAZINONE WITHOUT THEIR APPROVAL. POLO REITERATED THAT THE DNE WOULD NOT APPROVE HEXAZINONE WITHOUT HEALTH MINISTRY APPROVAL.

RESPONSE ON 505(A)

10. (C) FORERO REPORTED THAT THE FOREIGN MINISTRY HAD FAXED A COPY OF ITS RESPONSE TO THE USG DIPLOMATIC NOTE ON SECTION 505(A)
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OF THE 506 DRAWDOWN. THE AMBASSADOR SAID HE HAD NOTIFIED WASHINGTON OF ITS RECEIPT, BUT WOULD NEED TO FORWARD A COPY OF THE ORIGINAL AS SOON AS POSSIBLE. FORERO SAID THE ORIGINAL HAD BEEN SENT TO THE EMBASSY. (COMMENT: THE ORIGINAL OF THE FOREIGN MINISTRY'S NOTE REACHED THE EMBASSY THE MORNING OF DECEMBER 16. END COMMENT.)

CONGRATULATIONS FOR LEGISLATIVE ACHIEVEMENTS

11. (C) OFFERED THE FLOOR BY ESGUERRA, THE AMBASSADOR BEGAN HIS REMARKS BY CONGRATULATING THE GOC ON BEHALF OF THE USG ON ITS RECENT ACHIEVEMENT IN WINNING A SOLIDLY POSITIVE CONGRESSIONAL VOTE ON ASSET FORFEITURE WITH RETROACTIVITY. HE CHARACTERIZED IT AS A LONG HARD FIGHT, BUT ONE THAT WAS TOO IMPORTANT NOT TO HAVE PUT FORTH A MAXIMUM EFFORT, AS THE GOC DID. THE AMBASSADOR NOTED THAT ASSET SEIZURE IS SOMETHING THE MAFIA TRULY FEARS, A SIGN OF THE EXTREME VALUE OF THIS WEAPON IN FIGHTING NARCOTRAFFICKING.

MARITIME SHIPBOARDING FOLLOW-ON MEETING

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ACTION INL-01

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STR-00 T-00 DTC-01 PMB-00 DSCC-00 PRM-10 PRME-01
DRL-09 G-00 /049W

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O 162213Z DEC 96 ZDK CTG YR 3663
FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC IMMEDIATE 3512
DEPT OF JUSTICE WASHDC
INFO DIRNSA FT GEORGE G MEADE MD
FBI WASHDC
DIA WASHDC
CIA WASHDC
DIRONDCP WASHDC
USCINCSO QUARRY HEIGHTS PM
DEA WASHDC
NSC WASHDC
USIA WASHDC 0988
DEPT OF TREASURY WASHDC

AMEMBASSY PARIS
SECDEF WASHDC
SECDEF WASHDC//OCDEPS//
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STATE FOR INL, ARA/AND, L/LEI
NSC FOR JAMES DOBBINS
ONDCP FOR BILL BOZIN
SOUTHCOM ALSO FOR POLAD
DEA FOR OF, OFL, OC, AX
JUSTICE FOR CRIM. WARREN, RICHARD AND NDDS/VAN VLIET
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12. (C) THE AMBASSADOR THEN ASKED VICE FOREIGN MINISTER FORERO IF SHE COULD MEET WITH HIM ON TUESDAY, DECEMBER 17, TO DISCUSS IN DETAIL THE FOUR OUTSTANDING ISSUES WHICH ARE CONSIDERED MAKE-OR-BREAK ISSUES FOR THE U.S. SIDE. (FYI: TO SUMMARIZE THE ISSUES, REPORTED IN DETAIL IN REF B: LAW ENFORCEMENT OFFICIALS EMBARKED ON THIRD COUNTRY VESSELS; THE TWO-HOUR DEFAULT PROVISION; WAIVER OF JURISDICTION; AND MONITORING OF SUSPECT VESSELS. END FYI.) FORERO AGREED TO A PRIVATE MEETING, AND ASKED ESGUERRA IF A MOD LEGAL ADVISOR COULD ACCOMPANY HER; ESGUERRA AGREED. FORERO ALSO REQUESTED OF THE AMBASSADOR THAT THE USG PROVIDE COLOMBIA WITH INFORMATION ABOUT OTHER MARITIME SHIPBOARDING AGREEMENTS IT HAS
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SIGNED OR IS NEGOTIATING WITH OTHER NATIONS, ESPECIALLY IN THE CARIBBEAN, FOR COMPARATIVE PURPOSES. THE AMBASSADOR SAID HE WOULD PASS ON THE REQUEST.

13. (C) THE AMBASSADOR THEN REVIEWED FOR THE GROUP PROGRESS MADE IN THE SECOND FOLLOW-ON MEETING ON DECEMBER 13. HE SAID THE PURPOSE OF THE MEETING WAS TO RECONCILE LANGUAGE VARIANCES AT 19 POINTS IN THE DRAFT TEXTS NEGOTIATED IN NOVEMBER. SUBSTANTIAL AGREEMENT WAS REACHED ON 16 POINTS; THE REMAINING THREE SHOULD PRESENT NO MAJOR DIFFICULTIES AND SHOULD BE RESOLVED QUICKLY DURING THE NEXT MEETING, TENTATIVELY SCHEDULED FOR DECEMBER 18. THE AMBASSADOR REPORTED THAT THE PROGRESS IS DIRECTLY ATTRIBUTABLE TO THE GOC TEAM'S FLEXIBILITY AND WILLINGNESS TO

FOCUS ON SUBSTANCE. (COMMENT: THIS, AS REPORTED PREVIOUSLY, HAS BEEN THE DIFFICULTY IN THESE FOLLOW-UP MEETINGS AND THE AMBASSADOR SPOKE TO MEJIA ABOUT IT IN THEIR PRIVATE MEETING BEFORE THE FULL MINISTERIAL ON DECEMBER 6; SHE MUST HAVE LAID DOWN THE LAW WITH THE GOC TEAM. END COMMENT.)

14. (C) THE AMBASSADOR CONTINUED THAT PREPARATIONS ARE UNDERWAY REGARDING THE JANUARY 1997 MARITIME NEGOTIATIONS. BOTH SIDES AGREED TO EXCHANGE IDEAS BEFORE JANUARY 1 ON THE FOUR OUTSTANDING ISSUES, PRIMARILY THROUGH THE EXCHANGE OF NON-PAPERS. THE U.S. HAS ALREADY DELIVERED ITS INITIAL NON-PAPER ON THE FOUR ISSUES AND WE ARE WORKING ON ADDITIONAL FORMULATIONS, SAID THE AMBASSADOR. HE NOTED THAT IT WOULD BE USEFUL TO HAVE THE GOC REACTIONS TO OUR INITIAL NON-PAPER. THE AMBASSADOR CONCLUDED BY SAYING THE USG IS ALSO ACTIVELY PURSUING PERMISSION FROM THE BRITISH AND DUTCH GOVERNMENTS TO SHARE WITH THE GOC PERTINENT ASPECTS OF THEIR CLASSIFIED AGREEMENTS WITH THE U.S. TO USE THEIR
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PLATFORMS FOR U.S. BOARDINGS.

15. (C) AS HE HAD IN THE PREVIOUS MINISTERIAL, THE AMBASSADOR MENTIONED AGAIN THE AVAILABILITY OF A U.S. COAST GUARD CUTTER IN CARTAGENA ON JANUARY 11-12 FOR ANYONE ON THE COLOMBIAN NEGOTIATING TEAM FOR A FAMILIARIZATION CRUISE.

RESUMPTION OF ERADICATION PROGRAM

16. (C) THE AMBASSADOR TOLD ESGUERRA HE HAD TRANSMITTED TO WASHINGTON THE MINISTER'S REQUEST THAT THE ERADICATION PROGRAM BE RESUMED AS SOON AS POSSIBLE, AND WASHINGTON HAD RESPONDED FAVORABLY. HE REPORTED THAT, BASED ON A SUCCESSFUL COMPLETION OF THE MINIMUM ESSENTIAL SECURITY UPGRADES AT THE FORWARD OPERATING LOCATION AT SAN JOSE DEL GUAVIARE, WE ANTICIPATE THE RESUMPTION OF AERIAL ERADICATION BY BOTH AMERICAN AND COLOMBIAN PILOTS IN THE NEXT TWO WEEKS. WHILE AN ADEQUATE MARGIN OF SAFETY NOW EXISTS, FURTHER SECURITY ENHANCEMENTS WILL BE PERFORMED. OPERATIONS WILL BE EXPANDED AT LARANDIA AND TRES ESQUINAS ONCE MINIMUM SECURITY REQUIREMENTS ARE MET THERE AS WELL. FINALLY, FLIGHT OPERATIONS OUT OF SAN JOSE DEL GUAVIARE MUST BE LIMITED TO THOSE AREAS SPECIFICALLY IDENTIFIED AS LOW THREAT UNTIL THE OV-10 AIRCRAFT AND PROCEDURES ARE IN PLACE. ADDITIONAL SECURITY AND

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ACTION INL-01

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STATE FOR INL, ARA/AND, L/LEI
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OQOR BILL BOZIN
SOUTHCOM ALSO FOR POLAD
DEA FOR OF, OFL, OC, AX
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FBI FOR CID/IRS/IRU2
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TREASURY FOR FINCEN

E.O. 12958: DECL: 12/16/01
TAGS: PREL, PGOV, SNAR, PINR, KJUS, KCRM, CASC, PHUM, MASS, CJAN,
PHSA, PTERR, CO
SUBJECT: SIXTH COORDINATION MEETING ON CERTIFICATION ISSUES

MEDICAL PERSONNEL ARE CURRENTLY BEING RECRUITED AND SHOULD BE
ARRIVING FOR ASSIGNMENT TO SAN JOSE THIS WEEK. ESGUERRA WAS
GRATIFIED AT THE NEWS, REITERATING HIS POINT FROM PREVIOUS
MEETINGS THAT IT WAS A SHAME TO WASTE THE CURRENT WEATHER
CONDITIONS, SO FAVORABLE TO SPRAYING.

FRENCH VERIFICATION TEAM

17. THE AMBASSADOR REMINDED VICE MINISTER FORERO THAT AT THE
DECEMBER 9 MINISTERIAL HE HAD BEEN PROMISED A REPORT BY THE
FRENCH VERIFICATION TEAM WHEN IT WAS AVAILABLE. POLO JUMPED IN
AND EXPLAINED THAT ACTUALLY THERE WAS NO SUCH TEAM. THE EUROPEAN
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UNION (EU) SPACE AGENCY BASED IN TOULOUSE HAD OFFERED TO HELP THE
COLOMBIANS WITH SATELLITE VERIFICATION SOME TIME IN THE PAST, BUT
FOR "INTERNAL REASONS" THE IDEA DID NOT COME TO FRUITION. LAST
YEAR, HOWEVER, WITH THE DISAGREEMENTS BETWEEN THE USG AND THE GOC
SIDES ON VERIFICATION, THE JUSTICE MINISTER REVISITED THE IDEA
WITH THE EU SPACE AGENCY, WHICH SAID THEY WOULD LAUNCH A
FEASIBILITY STUDY FOR SUCH SATELLITE VERIFICATION. POLO DID SAY
FRENCH PRESIDENT CHIRAC TOLD SAMPER, DURING THE COLOMBIAN'S VISIT
TO EUROPE EARLIER IN THE YEAR, THAT FRANCE COULD HELP WITH A
STUDY ON THE NATURE AND EXTENT OF THE ILLICIT COCA PROBLEM IN

ORDER TO BETTER INFORM GOC PLANS ON THE ALTERNATE DEVELOPMENT FRONT. THIS WAS, SAID POLO, THE EXTENT OF THE DISCUSSIONS; THERE IS NO BILATERAL AGREEMENT ON ANYTHING RELATED TO VERIFICATION. THE AMBASSADOR THANKED POLO FOR THE CLARIFICATION ON THE FRENCH ROLE, SAYING WASHINGTON HAD BEEN CONCERNED AT THE IDEA THAT THE FRENCH WOULD BE CONDUCTING VERIFICATION EXERCISES, GIVEN THE FACT THAT FIRST, NO TERMS OF REFERENCES HAD BEEN AGREED UPON AND, SECOND, THAT MANY EUROPEANS WERE SIMPLY NOT IMPARTIAL JUDGES SINCE MANY OPPOSE ERADICATION FROM THE OUTSET.

 TRAFFICKERS OPERATING FROM PRISON

18. (C) THE AMBASSADOR ASKED IF THE POLICE AND/OR MILITARY HAD PRODUCED A REPORT ON THE RAIDS AT LA PICOTA PRISON ON DECEMBER 7-8 (REF A) WHICH YIELDED EVIDENCE THAT THE JAILED MAFIA BOSSES WERE WORKING TO INFLUENCE CONGRESSIONAL DELIBERATIONS ON THE GOC ANTINARCO PACKAGE. IF SUCH A REPORT WERE AVAILABLE, THE AMBASSADOR ASKED IF HE COULD HAVE A COPY. ESGUERRA SAID THE POLICE WERE IN FACT ANALYZING THE DOCUMENTS AND OTHER EVIDENCE,
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 AND IN COOPERATION WITH INPEC (COLOMBIAN BUREAU OF PRISONS) AND THE FISCALIA, THE CNP IS PRODUCING A DETAILED REPORT WHICH WILL BE SHARED WITH THE AMBASSADOR.

19. THE AMBASSADOR TOOK THIS OPPORTUNITY TO MENTION THAT THE U.S. BUREAU OF PRISONS HAD ACCEPTED MEDELLIN'S INVITATION TO VISIT COLOMBIA, REPORTING THEY WOULD BE AVAILABLE DURING FEBRUARY AND WOULD LIKE TO MAKE IT AN EXTENDED VISIT OF THREE TO FOUR WEEKS. (COMMENT: A REPRESENTATIVE OF THE U.S. BUREAU OF PRISONS CALLED JUDATT ON DECEMBER 13 AND RELAYED THIS INFORMATION REGARDING THE PROPOSED VISIT. END COMMENT.)

 U.S. NATIONAL DRUG CONTROL STRATEGY

20. (C) THE AMBASSADOR HANDED OUT COPIES OF THE U.S. NATIONAL DRUG CONTROL STRATEGY, TRANSLATED INTO SPANISH, WHICH HAD BEEN ACQUIRED BY DEA/BOGOTA COUNTRY ATTACHE. IN CALLING THEIR ATTENTION TO THE FIVE CENTRAL GOALS OF THE U.S. STRATEGY, THE AMBASSADOR POINTED OUT THAT THE FIRST THREE DEAL WITH FIGHTING THE PROBLEM OF DRUGS ON THE DOMESTIC FRONT. THE FOURTH AND FIFTH GOALS ARE AIMED AT ADDRESSING THE INTERNATIONAL ASPECT OF

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NARCOTRAFFICKING THROUGH AGGRESSIVE AIR AND MARITIME
INTERDICTION, INTELLIGENCE COLLECTION AND SHARING, WELL-PLANNED
COUNTERDRUG ASSISTANCE TO PRODUCER AND TRANSIT COUNTRIES, AND
BETTER USE OF MULTILATERAL ORGANIZATIONS TO HELP SHARE THE BURDEN
OF THIS INTERNATIONAL EPIDEMIC. THE AMBASSADOR SAID HE WELCOMED
THE GROUP'S REVIEW OF AND COMMENT ON THIS DOCUMENT.

CIVIL AVIATION

21. THE AMBASSADOR CONFIRMED WITH POLO THAT THE CNP HAD FINISHED
ITS INTERNAL CONSIDERATION OF THE CIVIL AVIATION PROPOSAL AND
THAT THE MEMBERS OF THE CONSEJO NACIONAL WOULD BE INFORMALLY AND
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INDIVIDUALLY BRIEFED ON ITS CONTENT BEFORE THE PROPOSAL WAS
FORMALLY PRESENTED TO THE FULL CONSEJO.

PUBLIC CORRUPTION

22. (C) THE JUSTICE MINISTRY REP REPORTED THAT ON THURSDAY, DECEMBER 12, THE SECOND COMMISSION OF THE SENATE APPROVED THE GOC LEGISLATIVE PROPOSAL TO IMPLEMENT THE OAS CONVENTION ON CORRUPTION SIGNED IN CARACAS. IT WOULD BE HELD OVER FOR CONSIDERATION BY THE HOUSE AND PLENARIES AS SOON AS THEY ARE CONVENED IN 1997. THE AMBASSADOR ASKED, FOR THE FOURTH TIME, IF THE GOC AMENDED EXECUTIVE REPORT ON CORRUPTION WAS AVAILABLE. THE AMBASSADOR REMAINED THE MINISTER THAT THE ORIGINAL REPORT DOES NOT DESCRIBE ANY EFFORT WHICH MAY BE IMPLEMENTED TO PREVENT OR INVESTIGATE CORRUPTION. IT INDICATES HUNDREDS OF INVESTIGATIONS OF CORRUPTION, BUT FAILS TO PRESENT ANY SANCTIONS IMPOSED OR CASES TURNED OVER TO THE PROSECUTOR GENERAL'S OFFICE FOR PROSECUTION. FORERO SIDESTEPED A DEFINITIVE ANSWER BY MENTIONING THE VERY POSITIVE SEMINAR HELD THE WEEK OF DECEMBER 10 REGARDING A TIMETABLE FOR GOC ACTIONS AGAINST CORRUPTION IN 1997. SHE SAID THE GOC IS WORKING ON A REPORT BASED ON THIS SEMINAR, AS WELL AS ONE ON MONEY LAUNDERING. (COMMENT: THE AMBASSADOR HAS REPEATEDLY ASKED ABOUT THE STATUS OF THE AMENDED EXECUTIVE REPORT ON CORRUPTION AND HAS BEEN GIVEN NON-ANSWERS EVERY TIME. THE AMBASSADOR BELIEVES, IN FACT, THE REPORT IS NOT BEING PREPARED, AND EVEN RECEIVED SUCH AN INDICATION FROM VICE MINISTER FORERO IN A MEETING ON DECEMBER 10, WHEN SHE SAID SHE WAS HAVING A VERY HARD TIME GETTING PEOPLE IN OTHER AGENCIES TO FOCUS ON THE REQUIRED REVISIONS. END COMMENT.)

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EXTRADITION OF KINGPINS

23. (C) THE AMBASSADOR CONTINUED BY RELATING HIS CONVERSATION WITH MINISTER MEDELLIN ON DECEMBER 10 REGARDING THE MINISTRY'S LETTER ASKING THE SUPREME COURT TO CONSIDER THE USG EXTRADITION REQUEST. HE SAID MEDELLIN TOLD HIM IT WOULD BE VERY TECHNICAL, ASKING FOR AN OPINION ON WHETHER THE CRIMES UNDER U.S. LAW WOULD ALSO CONSTITUTE CRIMES UNDER COLOMBIAN LAW. THE LETTER WOULD NOT ADDRESS THE FUNDAMENTAL ISSUE OF THE APPLICABILITY OF THE BILATERAL EXTRADITION TREATY. THE AMBASSADOR ASKED FOR A COPY OF THE MINISTRY'S LETTER TO THE COURT AND SAID THIS DEVELOPMENT IS A DISAPPOINTMENT TO THE USG. HE REMINDED THE GROUP AGAIN ABOUT THE COLOMBIAN LAW BEARING ON THIS ISSUE: COLOMBIAN LAW 7 OF NOVEMBER 30, 1944, PROVIDES THAT ONCE A TREATY IS RATIFIED, AS THE 1979 EXTRADITION TREATY WAS IN 1982, THE TREATY BECOMES ENFORCEABLE AND ITS INTERNAL VALIDITY CANNOT BE SEPARATED FROM ITS INTERNATIONAL VALIDITY AND ENFORCEABILITY. (COMMENT: SILENCE AND BODY LANGUAGE AGAIN REVEALED COLOMBIAN DISCOMFORT WITH THIS ISSUE. END COMMENT.)

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FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC IMMEDIATE 3515
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PROSECUTOR GENERAL'S HUMAN RIGHTS UNIT

24. (C) THE AMBASSADOR NEXT EXPRESSED THE CONCERN OF THE USG WITH CONTINUING CRITICISM AND ATTACKS LEVIED AGAINST THE HUMAN RIGHTS UNIT IN THE PROSECUTOR GENERAL'S OFFICE, IN PARTICULAR BY THE MILITARY, MEMBERS OF THE CONGRESS, AND SOME MEMBERS OF THE SAMPER ADMINISTRATION. THE CONCERN, HE SAID, IS SHARED BY THE FISCALIA, MEMBERS OF THE PRESIDENT'S CONSEJERIA PARA DERECHOS HUMANOS, COLLEAGUES IN THE DIPLOMATIC COMMUNITY, AND OTHER EMBASSY CONTACTS. IN THE U.S. VIEW, ANY MOVEMENT TO DISMANTLE THE FISCALIA'S HUMAN RIGHTS UNIT WOULD HAVE SERIOUS REPERCUSSIONS FOR COLOMBIA IN THE INTERNATIONAL COMMUNITY. THE AMBASSADOR

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REMINDED THEM THAT THE PROSECUTOR GENERAL'S HUMAN RIGHTS UNIT STANDS OUT AS ONE OF THE FEW CONCRETE EXAMPLES OF COLOMBIA'S EFFORTS TO ATTACK THE IMPUNITY WHICH HAS MARKED COLOMBIA'S HISTORY WITH REGARD TO VIOLATIONS OF HUMAN RIGHTS AND

INTERNATIONAL HUMANITARIAN LAW. AS WELL, OF PARTICULAR INTEREST TO THE USG IS THE FACT THAT THIS UNIT IS PURSUING THE PROSECUTION OF THE MURDERERS OF TWO AMERICAN MISSIONARIES IN 1995. (HERE, THE AMBASSADOR MENTIONED THE KIDNAPPING OF U.S. CITIZEN FRANK PESCATORE ON DECEMBER 10 IN LA GUAJIRA, AND ASKED THE COLOMBIANS FOR ANY SUPPORT AND ASSISTANCE THEY COULD PROFFER. ESGUERRA SAID OF COURSE, THE GOC WOULD HELP.) CERTAINLY THE DISMANTLING OF, OR EVEN LACK OF SUPPORT FOR, THIS UNIT WOULD SEND A VERY NEGATIVE SIGNAL, IN PARTICULAR TO THE MEMBERS OF THE OFFICE OF THE U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS, WHO WILL SOON ESTABLISH AN OFFICE IN BOGOTA, THE AMBASSADOR SAID.

25. (C) ESGUERRA RESPONDED BY ASSURING THE AMBASSADOR THERE IS NO CONCERTED EFFORT OR POLICY DECISION TO DISMANTLE THE UNIT. HE CHARACTERIZED WHAT THE AMBASSADOR CALLED "CRITICISM" OF THE UNIT AS INSTEAD "CONCERNS" BEING EXPRESSED THAT THE UNIT IN SOME CASES WAS NOT IMPARTIAL, AND EVIDENCED SOME PREJUDICES. HE CONTINUED THAT THERE IS A PERCEIVED DOUBLE STANDARD AT TIMES AT WORK, SUCH THAT MILITARY PERSONNEL ARE PUNISHED DESPITE QUESTIONABLE WITNESSES, WHO SOMETIMES ARE CRIMINALS. ESGUERRA SAID HE IS ENGAGED IN A DIALOGUE WITH PROSECUTOR GENERAL VALDIVIESO ABOUT THIS WORRISOME ISSUE, BUT REITERATED THERE WAS NO POLICY TO DISMANTLE THE UNIT.

SPECIALLY DESIGNATED NARCOTICS TRAFFICKERS LIST

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26. (C) THE AMBASSADOR MENTIONED HIS MEETING ON DECEMBER 10 (REF D) WITH PROSECUTOR GENERAL VALDIVIESO IN WHICH VALDIVIESO GENERALLY CITED SEVERAL PROBLEMS REGARDING THE SPECIALLY DESIGNATED NARCOTICS TRAFFICKERS LIST AND SAID MORE WORK NEEDS TO BE DONE TO CLARIFY THE IMPLICATIONS OF THE LIST. THE AMBASSADOR SAID HE SUGGESTED IN THAT MEETING THAT MINISTER MEJIA DRAFT A LETTER OUTLINING THE GOC'S COMPLAINTS AND REQUESTS FOR MORE ASSISTANCE WITH THE EMBASSY'S SDNT LIST. HE PROMISED TO TRANSMIT SUCH A LIST TO WASHINGTON, AS THE SDNT PROGRAM IS VERY IMPORTANT AND THE USG WILL DO ITS PART TO MAKE THE PROGRAM CLEAR, WORKABLE AND SUCCESSFUL IN COLOMBIA.

MEJIA'S UPCOMING VISIT TO WASHINGTON

27. (C) THE AMBASSADOR TOLD FORERO THAT APPOINTMENTS FOR THE FOREIGN MINISTER'S VISIT ON DECEMBER 20 WERE BEING FINALIZED.

SENTENCING OF THE KINGPINS

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28. (C) THE AMBASSADOR AGAIN REFERRED TO HIS MEETING ON DECEMBER 10 WITH MINISTERS MEJIA, ESGUERRA, AND MEDELLIN, AND FISCAL VALDIVIESO TO DISCUSS A RANGE OF JUDICIAL ISSUES (REF D). HE SAID HE CONSIDERED IT A VERY CONSTRUCTIVE MEETING AND HOPED IT WOULD BE REPEATED IN JANUARY. AT THAT TIME, HE SAID, HE WOULD LIKE TO SPECIFICALLY ADDRESS THE RODRIGUEZ OREJUELAS' SENTENCING AND SO REQUESTED AN OFFICIAL EXPLANATION OF THE RATIONALE BEHIND THE RODRIGUEZES' EXPECTED LIGHT SENTENCING. (COMMENT: THEIR SENTENCES--WITH VARIOUS AUTOMATIC REDUCTIONS--COULD BE NINE TO THIRTEEN YEARS, ACCORDING TO THE FISCAL. END COMMENT) THE AMBASSADOR THEN CITED A RECENT EXAMPLE OF LIGHT SENTENCING, THAT OF JUAN CARLOS RAMIREZ, ALIAS "CHUPETA," WHO WAS ORIGINALLY SENTENCED TO 24 YEARS, BUT WITH REDUCTIONS FOR COOPERATION AND
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CONFESSION, HIS SENTENCE HAS BEEN REDUCED NEARLY BY HALF TO 13

YEARS. WITH FURTHER REDUCTIONS FOR WORK AND STUDY IN PRISON, THE AMBASSADOR SAID, RAMIREZ MAY SERVE ONLY EIGHT YEARS. THIS IS A PERSON WHO HAS ADMITTED, STRESSED THE AMBASSADOR, TO SHIPPING 30 TONS OF COCAINE TO THE U.S. HE IS UNDER INDICTMENT IN THE U.S. AND THE USG HAS REQUESTED HIS EXTRADITION. (COMMENT: THE GROUP REACTED WITH EMBARRASSMENT TO THE POINT THAT "CHUPETA" ADMITTED TO SHIPPING 30 TONS WITH LOW WHISTLES AND SHAKES OF THE HEAD ALL AROUND. END COMMENT.) ESGUERRA AGREED WITH THE AMBASSADOR'S POINT AND CALLED THE "CHUPETA" CASE A PERFECT EXAMPLE OF THE WAY CURRENT SENTENCING PROVISIONS MADE A SHAM OF JUSTICE. HE EXPRESSED HIS HOPE THAT THE GOC PROPOSAL TO ENHANCE PENALTIES FOR NARCOTRAFFICKING WOULD PUT AN END TO SUCH RIDICULOUS AND SHAMEFULLY LIGHT SENTENCES.

1998 UNGA SPECIAL SESSION

29. (C) POLO ASKED TO ADDRESS ONE MORE ISSUE: THAT OF THE 1998 UNGA SPECIAL SESSION ON NARCOTICS. POLO SAID HE SPOKE TO AMBASSADOR BECKER IN STOCKHOLM REGARDING THE NON-PARTICIPATION OF THE USG IN THE NEXT PLANNING SESSION, TO BE HELD IN CARTAGENA, FOR THE 1998 SPECIAL SESSION. THE AMBASSADOR RESPONDED THAT HE HAD SPOKEN TO MEJIA ABOUT THIS, BUT THAT AS HE HAS NOT RECEIVED ANY INSTRUCTIONS FROM WASHINGTON, HE DOES NOT YET KNOW THE USG POSITION. FORERO OPINED THAT IT IS VERY IMPORTANT THAT THE U.S. PARTICIPATE AND CONTINUE THE VERY CLOSE WORKING ARRANGEMENT WITH THE COLOMBIANS AT THE U.N. LEVEL. THE AMBASSADOR SAID HE WOULD TRANSMIT HER CONCERNS TO WASHINGTON. FRECHETTE

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